



Judy Hoffman

*Bill Analysis*  
*Legislative Service Commission*

## **H.B. 157**

123rd General Assembly  
(As Introduced)

**Reps. Cates, Bender, Buchy, Callender, Corbin, Coughlin, Evans, Goodman, Harris, Hood, Jacobson, Jolivette, Krebs, Jones, Logan, Maier, D. Miller, Mottley, Myers, Netzley, Olman, Opfer, Pringle, Roman, Schuck, Sullivan, DePiero**

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### **BILL SUMMARY**

- Changes the date of the primary election held in presidential election years from the third Tuesday in March to the first Tuesday after the first Monday in May, and changes accordingly the date of special elections held on the day of that primary election.
- Changes the deadlines for various actions related to presidential primary elections.

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### **CONTENT AND OPERATION**

#### **Primary, presidential primary, and special elections: definitions and when held**

##### **Current law**

Under current law, "primary" or "primary election" means an election held for the purpose of nominating persons as candidates of political parties for election to offices, and for the purpose of electing persons as members of the controlling committees of political parties and as delegates and alternates to the conventions of political parties. Primary elections must be held on the first Tuesday after the first Monday in May of each year except in years in which a presidential primary election is held. "Presidential primary election" means a primary election at which an election is held for the purpose of choosing delegates and alternates to the national conventions of the major political parties. In years in which a presidential primary election is held, all primary elections must be held on the third Tuesday in March except as otherwise authorized by a municipal or county charter. Unless otherwise specified, presidential primary elections are included in statutory references to primary elections. (Sec. 3501.01(E).)

Under the Elections Law, a "special election" is any election other than a primary, presidential primary, general, regular municipal, or regular state election. In years in which a presidential primary is not held, special elections may be held only on the first Tuesday after the first Monday in February, May, August, or November, or on the day authorized by a particular municipal or county charter for the holding of a primary election. In years in which a presidential primary is held, special elections may not be held in February or May except as authorized by a municipal or county charter, but may be held on the third Tuesday in March. (Sec. 3501.01(D).)

### **Changes proposed by the bill**

The bill changes the date of the presidential primary election from the third Tuesday in March to the first Tuesday after the first Monday in May, both in the definitions described above (sec. 3501.01(E)) and in references to that election in various other statutes (secs. 511.27, 1545.21, 1901.07, 3501.02, 3501.17, 3505.01, 3509.01, 3509.03, 3511.02, 3513.01, 3513.12, 5705.191, and 5705.23). The bill also repeals the prohibition against allowing special elections to be held in February or May during a presidential primary election year, so that special elections could be held in any year on the first Tuesday after the first Monday in February, May, August, or November, or on the day authorized by a particular municipal or county charter for the holding of a primary election (sec. 3501.01(D)).

### **Deadlines tied to presidential primary elections**

Under current law, a number of filing deadlines and other election-related deadlines are set earlier in a presidential primary election year than in other years. For example, a person seeking nomination as a candidate for a state or local office must file a declaration of candidacy and petition by the 60th day before the day of the presidential primary election, and by the 75th day before the day of a primary election in any other year (sec. 3513.05). The bill repeals the deadlines in current law that apply only because the presidential primary occurs on the third Tuesday in March. (Secs. 3503.16, 3505.32, 3509.01, 3509.05, 3511.04, 3511.11, 3513.05, 3513.121, 3513.151, 3512.262, and 3513.30.)

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## **COMMENT**

The date for holding the presidential primary election was changed from the first Tuesday after the first Monday in May to the third Tuesday in March by Am. Sub. S.B. 150 of the 120th General Assembly, effective December 29, 1993.



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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>	<b>JOURNAL ENTRY</b>
Introduced	02-08-99	p. 171

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